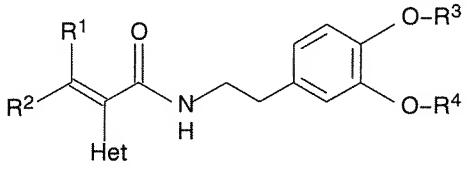
APPENDIX I:

CLAIM AMENDMENTS:

Amend Claims 1, 3, 5 to 8, 10 and 12 as indicated in the following listing of the claims:

1. (*currently amended*) Phenethylacrylamides of the formula I



in which the substituents R^1, R^2, R^3 and R^4 have the following meanings:

R^1 is halogen, C_1-C_4-alkyl, C_1-C_4-alkoxy, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl;

R^2 is hydrogen;

R^3 is C_1-C_4-alkyl, C_1-C_4-haloalkyl, propargyl, C_3-C_4-alkenyl or $-H_2C-C\equiv C-C(R^a,R^b)-R^c$, where R^a, R^b independently of one another are hydrogen or methyl and R^c is hydrogen or C_1-C_4-alkyl;

R^4 is methyl or C_1-haloalkyl; and

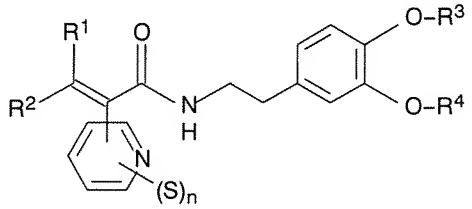
Het is a 5- or 6-membered heteroaromatic ring which may contain a fused 5- or 6-membered carbocycle and which is selected from ~~among~~ heteroaromatic rings containing 1, 2, 3 or 4 nitrogen atoms as ring members, heteroaromatic rings which contain 1 or 2 nitrogen atoms and 1 or 2 further heteroatoms selected from ~~among~~ oxygen or sulfur as ring members, and heteroaromatic rings which have 1 or 2 heteroatoms selected from ~~among~~ oxygen and sulfur as ring members, Het being unsubstituted or it being possible for Het to contain 1, 2 or 3 substituents S selected from ~~among~~ halogen, C_1-C_4-alkyl, C_1-C_4-haloalkoxy, C_1-C_4-haloalkyl and C_1-C_4-alkoxy.

2. (*previously presented*) A phenethylacrylamide of the formula I as claimed in claim 1, wherein R^1 is C_1-C_4-alkyl or C_3-C_6-cycloalkyl.

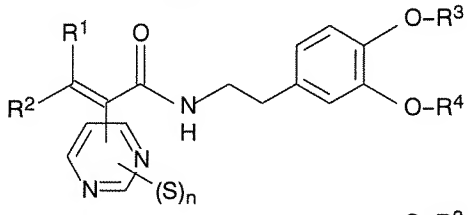
3. (*currently amended*) A phenethylacrylamide of the formula I as claimed in claim 1, wherein Het is selected from ~~among~~ pyridyl, pyrimidinyl, pyrazinyl, pyrrolyl, thienyl, furanyl, pyrazolyl, imidazolyl, oxazolyl, isoxazolyl, thiazolyl and isothiazolyl.

4. (*previously presented*) A phenethylacrylamide of the formula I as claimed in claim 1, wherein Het contains one or two substituents S which are bonded to those ring atoms which are not adjacent to the linkage site forming the double bond.

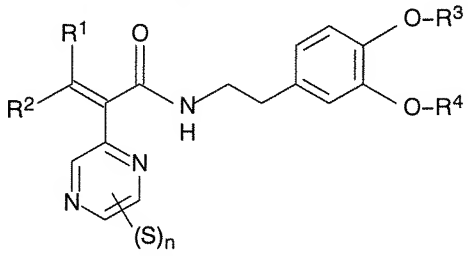
5. (*currently amended*) ~~A~~ The phenethylacrylamide defined in claim 1 which is of the ~~formulae~~ formula I.1, I.2 ~~and~~ or I.3



(I.1)



(I.2)

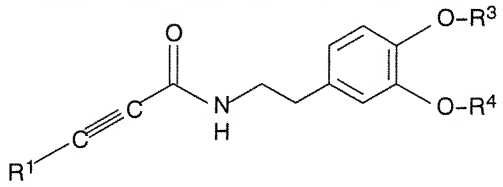


(I.3)

in which the substituents S, R^1, R^2, R^3 and R^4 ~~have the abovementioned meanings and~~ are as defined in claim 1, n is 1 or 2, and S is not bonded in the ortho position relative to the linkage site.

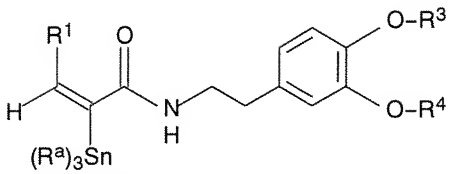
6. (*currently amended*) A process for the preparation of a phenethylacrylamide of the formula I as claimed in claim 1, wherein R^2 is hydrogen and R^1 is ~~hydrogen~~ halogen, C_1-C_4-alkyl, C_3-C_8-cycloalkyl or C_1-C_4-haloalkyl, and Het, R^3 and R^4 ~~have the abovementioned meanings~~ are as defined in claim 1, comprising the following steps:

a) reaction of a phenethylamide of the formula II,



(II)

~~in which the substituents R^1, R^3 and R^4 have the abovementioned meanings,~~ with a trialkylstannane $(R^a)_3SnH$, wherein R^a is alkyl resulting in a compound of the formula III



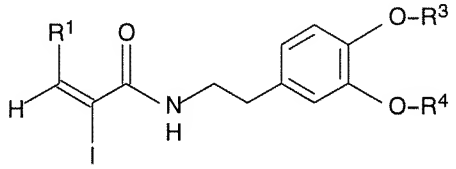
(III)

~~wherein the substituents R^a, R^1, R^3 and R^4 have the abovementioned meanings,~~ and

b) reaction of the compound III obtained in step a) with a compound Het-Hal, wherein Hal is bromine or iodine and Het has the meaning given in claim 1, in the presence of catalytically active amounts of a transition metal compound of a group VIII metal;

or

a') reaction of a compound of the formula II with at least stoichiometric amounts of iodine, resulting in a compound of the formula IV

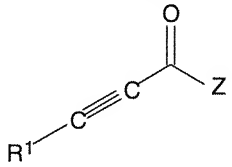


(IV)

~~wherein the substituents R^1, R^3 and R^4 have the abovementioned meanings,~~ and

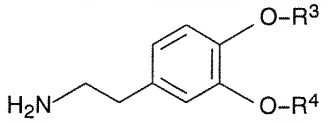
b') reaction of the compound IV obtained in step a') with a stannane of the formula $(R^a)_3Sn$-Het, wherein Het has the meaning stated in claim 1, in the presence of catalytically active amounts of a transition metal compound of a group VIII metal.

7. (*currently amended*) A process as claimed in claim 6, additionally comprising the preparation of the phenethylamide of the formula II, wherein a propiolic acid compound of the formula V



(V)

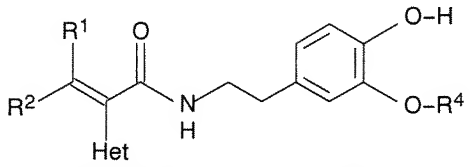
wherein R^1 is hydrogen, C_1-C_4-alkyl, C_3-C_8-cycloalkyl or C_1-C_4-haloalkyl, and Z is halogen or OH, is reacted ~~in a manner known per se~~ with a phenethylamine of the general formula VI



(VI)

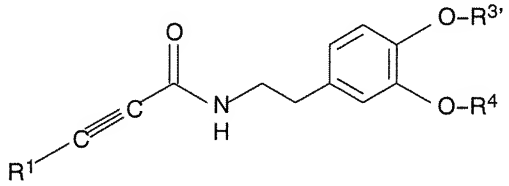
~~wherein R^3 and R^4 have the abovementioned meanings~~.

8. (*currently amended*) A process for the preparation of a phenethylacrylamide as claimed in claim 1 of the formula I, wherein a phenethylacrylamide of the formula



~~wherein Het, R^1, R^2 and R^4 have the abovementioned meanings,~~ is reacted with a compound of the formula R^3-Y, wherein ~~R^3 has the abovementioned meaning and~~ Y is a nucleophilically displaceable leaving group.

9. (*previously presented*) A phenethylamide of the formula II'



(II')

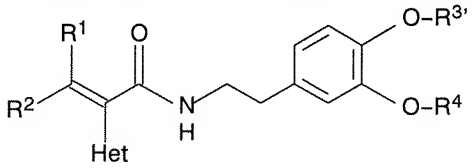
wherein

R^1 is halogen, C_1-C_4-alkyl, C_1-C_4-alkoxy, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl;

R^4 is methyl or C_1-haloalkyl; and

$R^{3'}$ is C_1-C_4-alkyl, C_1-C_4-haloalkyl, propargyl, C_3-C_4-alkenyl or $-H_2C-C\equiv C-C(R^a,R^b)-R^c$, where R^a, R^b independently of one another are hydrogen or methyl and R^c is hydrogen or C_1-C_4-alkyl; or $R^{3'}$ is hydrogen or an OH protecting group.

10. (*currently amended*) A phenethylacrylamide of the formula I':



(I')

wherein

R^1 is halogen, C_1-C_4-alkyl, C_1-C_4-alkoxy, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl;

R^2 is hydrogen;

R^4 is methyl or C_1-haloalkyl;

Het is a 5- or 6-membered heteroaromatic ring which may contain a fused 5- or 6-membered carbocycle and which is selected from ~~among~~ heteroaromatic rings containing 1, 2, 3 or 4 nitrogen atoms as ring members, heteroaromatic rings which contain 1 or 2 nitrogen atoms and 1 or 2 further heteroatoms selected from ~~among~~ oxygen or sulfur as ring members, and heteroaromatic rings which have 1 or 2 heteroatoms selected from ~~among~~ oxygen and sulfur as ring members, Het being unsubstituted or it being possible for Het to contain 1, 2 or 3 substituents S selected from ~~among~~ halogen, C_1-C_4-alkyl, C_1-C_4-haloalkoxy, C_1-C_4-haloalkyl and C_1-C_4-alkoxy; and

$R^{3'}$ is hydrogen or an OH protecting group.

11. (*previously presented*) A composition for controlling phytopathogenic harmful fungi comprising a solid or liquid carrier and a compound of the formula I as claimed in claim 1.

12. (*currently amended*) A method of controlling phytopathogenic harmful fungi, which comprises treating the fungi or ~~the~~ materials, plants, ~~the~~ soil or seed to be protected from fungal infection with an effective amount of a compound of the formula I as claimed in claim 1.

13. (*previously presented*) The phenethylacrylamide of the formula I as claimed in claim 1, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.

14. (*previously presented*) A phenethylacrylamide as claimed in claim 2, wherein R^1 is ethyl, isopropyl, tert-butyl or cyclopropyl.

15. (*previously presented*) The process of claim 6, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.

16. (*previously presented*) The process of claim 7, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.

17. (*previously presented*) The phenethylamide of the formula II' as claimed in claim 9, wherein

R^1 is halogen; or

R^4 is C_1-haloalkyl; or

$R^{3'}$ is C_3-C_4-alkenyl or an OH protecting group.

18. (*previously presented*) The phenethylacrylamide of the formula I′ as claimed in claim 10, wherein R^1 is C_1-C_4-alkyl, C_3-C_{10}-cycloalkyl, or C_1-C_4-haloalkyl.